

REMARKS

In the Office Action dated October 19, 2005, various issues or rejections were raised by the Examining Attorney. Each of these issues will be addressed in the same order as provided in the Office Action.

Election/Restriction Requirement

The Examiner has quickly identified three separate classes of claims. The Examining Attorney has correctly identified that claims 8-16 directed to a method of utilizing a temporary power connector were elected. Claims 1-8 and 17-20 are cancelled with the enclosed amendment.

Information Disclosure Statement

The applicant provided the patents in the background of the invention section and describe such basic technology as inverters, generators, etc. These are well known components in the industry. None of the references in the background of the invention section relate to the capability of claims 9-16 and are not believed to be particularly relevant to those claims.

Drawings

The applicant originally provided informal drawings with this case. The apparent requirement by the Examiner to require a "competent patent draftsman" to prepare drawings at this point in the prosecution is believed to be improper. Nevertheless, the applicant is enclosing more "formal drawings" to expedite the issuance of the pending claims.

Claim Objections

Applicant agrees that claim 16 is a restatement of claim 9 and has cancelled claim 16 with the enclosed amendment.

Obviousness Rejections Under 35 USC § 103

Claims 9, 12-13 and 16 were rejected as being obvious over Epps, U.S. Patent No. 6,328,597 and the OSHA Standard *Electric Power Generation, Transmission, and Distribution* section “Deenergizing lines and equipment.” Epps teaches: “An electrical power cord disabling jack for preventing unauthorized use of an electric appliance.” It describes a process of taking electrical appliance and modifying it by removing a conventional male plug from the end of its cord and installing a female receptacle in place of the male plug. The appliance may then only be activated by connecting the female receptacle of the appliance to one end of the disabling end jack and plugging out to another jack to a conventional female receptacle or outlet. (See Abstract). Furthermore, as described in column 7, lines 59-67: “the present electrical power cord disabling jack in its various embodiments provide the novel means of preventing unauthorized use to a household electrical appliance, such as stereo, computer, television set, radio, etc.” There is absolutely no teaching in this reference for utilizing the “disabling jack” as a conduit for transferring power from a power source to an electrical outlet as claimed. The only use of the disabling jack is to provide power from an outlet to an electrical appliance. It is only with hindsight and the use of the applicant’s disclosure that such an inference could be implied. This is believed to be improper.

Furthermore, in citing the *Electric Power Generation, Transmission and Distribution* (hereinafter “EPGTD”) section “Deenergizing lines and equipment”, the step of opening the breaker as claimed would deenergize the electrical appliance of Epps thereby eliminating its power source. Accordingly, the cited combination of Epps and EPGTD do not form a *prima facie* case of obviousness. Such a combination would render the appliance unusable.

Accordingly, allowance of claims 9-15 is respectfully requested.

As can be seen from claim 9, the first male plug at one end of the cord is plugged into a first outlet of the electrical distribution system downstream of the opened at least one breaker with the second end of the cord plugged into an outlet of an alternating power source (for example purposes such as a generator). The cord now provides the capability of providing power from the generator to the electrical distribution system downstream of the opened at least one breaker. In a tragedy situation such as the one that just hit the southern coast of Louisiana, people with portable generators could have quickly provided power to their homes through an outlet utilizing the claimed method without a need to hard wire the generator to the electrical distribution system. Accordingly, a quick and effective means of providing power could have quickly restored such vital services such as air conditioning or refrigeration.

The applicant does not understand the rejection of claim 12 as explained by the Examiner. Specifically, “Epps teaches the first connector being plugged in first and includes a guard of GFI to protect the user while the other end of the connector is not connected to the device.” Claim 12 requires that the first male plug is plugged into first outlet prior to plugging the second plug into the second outlet. It is important to remember that at least one breaker has been opened which is normally in the stream of electrical flow to the first outlet thereby eliminating the need for a GFI. There will be no power coming from the first outlet as claimed, but instead power will be provided through the cord to the outlet. It is believed that as one skilled in the art would understand this feature.

The step of opening the breaker in EPGTD is not principally for electrical isolation, but for employee safety to remove the supply of electricity which could shock someone working on the system. In the claimed method it is done for directing electricity in an electrical distribution system as desired to power particular portions of the system with a backup power supply.

The applicant would agree that a conventional wall outlet is typically 120 or 240 volts. This is one of the features that makes the applicant's invention simple and highly effective for its intended purpose.

The applicant would disagree that this particular OSHA standard of the EPGTD is relevant. The OSHA guide requires all known sources of electricity to be de-energized. (1910.269(m)(3)(ii)). This would prevent the proposed combination and if this reference were applied to the claims, would result in a completely de-energized system which would defeat its intended purpose of supplying back-up power. Accordingly, the cited reference and combination teaches away from the claimed invention.

Conclusion

The above explanation as related to Epps and the EPGTD reference is clearly believed to distinguish the cited rejection from the claimed method. Accordingly, claims 9-15 are believed to be allowable and such action is respectfully requested.

Respectfully submitted,

Date: December 16, 2005

By: 

Stephen J. Stark
Attorney for Applicant
MILLER & MARTIN LLP
Suite 1000 Volunteer Building
832 Georgia Avenue
Chattanooga, Tennessee 37402
(423) 756.6600

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

on this 11th day of December, 2005.

By: Beverly L. Middleton
Beverly L. Middleton